

Simeon M. Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

T. Jaren Stanton, Nevada Bar No. 15362
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: jstanton@mineralcountynv.org

*Attorneys for Mineral County, Nevada, and
Walker Lake Working Group*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)

IN EQUITY NO. C-125
CASE NO. 3:73-CV-00128-MMD-
CSD

WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)
vs.)

**STIPULATION AND ORDER
FOR ADJUSTMENT OF
DISCOVERY SCHEDULE**

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)

(Third Request)

MINERAL COUNTY,)
)
Plaintiff-Intervenor,)
vs.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)

1. On December 20, 2022, the Court entered a *Discovery Plan and Scheduling Order* in this subproceeding, setting forth a discovery plan and deadlines. *See* ECF 1086.

2. In the fall of 2023, the Court granted a thirty-day stipulated extension of the deadlines for the exchange of expert reports, which was agreed to by Defendants at the request of lead counsel for Plaintiffs, Simeon Herskovits. *See* ECF1094.

3. That extension was necessary to accommodate complications associated with both long-COVID symptoms suffered by Mr. Herskovits and cancer treatment he was undergoing.

4. Pursuant to the October 2, 2023, *Stipulation and Order for the Adjustment of the Discovery Schedule*, Plaintiffs exchanged opening expert reports with Principal Defendants on November 6, 2024. ECF 1095.

5. On April 8, 2024, Principal Defendants exchanged expert reports with Plaintiffs. ECF 1100.

6. Over the course of the eight months following the filing of the October 2023 *Stipulation and Order for the Adjustment of the Discovery Schedule*, Mr. Herskovits continued to endure severe complications associated with lymphoma which largely prevented him from working.

7. As a result of both the complications he has endured and his medical team's treatment plan and advice, on June 11, 2024, Mr. Herskovits contacted coordinating counsel for Principal Defendants, Gordon DePaoli, to request a further six-month extension of discovery deadlines.

8. In June of 2024, the Principal Defendants agreed to a six-month extension of discovery deadlines, which extension the Court approved in its June 26, 2024, *Order*. *See* ECF 1103.

9. On September 20, 2024, Plaintiffs served Principal Defendants with their *First Joint Discovery Requests*. *See* ECF 1104.

10. On October 15, 2024, counsel for Principal Defendants Gordon DePaoli contacted counsel for Plaintiffs to request a ninety-day extension to January 20, 2025, of the thirty-day deadline under Rules 33(b)(2) and 34(b)(2)(A) of the Federal Rules of Civil Procedure for responding to those

1 discovery requests.

2 11. Plaintiffs agreed to Defendants' request and requested that the discovery schedule be
3 adjusted to accommodate Plaintiffs' expert's need to review Principal Defendants' responses to
4 those discovery requests for potential incorporation into Plaintiffs' responsive and rebuttal expert
5 reports, to which Principal Defendants in turn agreed.

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7 NOW THEREFORE, the Parties hereby stipulate and agree that Principal Defendants shall have until
8 January 20, 2025, to serve Plaintiffs with their responses to Plaintiffs' *First Joint Discovery Requests*.
9 The Parties further stipulate and agree to an adjustment of the deadlines contained in the Court's
10 December 20, 2022, *Discovery Plan and Scheduling Order* as modified by the October 2, 2023,
11 *Stipulation and Order for Adjustment of Discovery Schedule* (ECF 1094) and June 26, 2024,
12 *Stipulation and Order for Adjustment of Discovery Schedule* (ECF 1103) as follows:

13 1. Paragraph 3b: Date for close of discovery will be March 20, 2026.

14 2. Paragraph 9: Expert Report Schedule.

15 a. Plaintiffs' responsive expert reports to Defendants' opening expert reports will
16 be due April 21, 2025;

17 b. Plaintiffs' rebuttal expert reports to Defendants' responsive expert reports will be
18 due May 21, 2025;

19 c. Defendants' rebuttal expert reports to Plaintiffs' responsive expert reports will be
20 due on May 21, 2025; and

21 d. Expert depositions will be taken between June 23, 2025, and the close of
22 discovery.

23 3. Paragraph 12: The deadline for identification of lay witnesses will be April 21, 2025.

24 4. The remainder of the schedule set forth in the Court's December 20, 2022, *Discovery Plan*
25 *and Scheduling Order* will remain in place.
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5. The Parties do not waive the right to oppose requests for future extensions.

Date: October 23, 2024

ADVOCATES FOR COMMUNITY & ENVIRONMENT
P.O. Box 1075
El Prado, New Mexico 87529

By: /s/ Iris Thornton
Iris Thornton, *pro hac vice*
Attorney for Mineral County, Nevada and Walker Lake
Working Group

Date: October 23, 2024

WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511

By: /s/ (per authorization)
Gordon H. DePaoli, NSB # 195
Attorney for Walker River Irrigation District

Date: October 23, 2024

BEST BEST & KRIEGER
2001 N. Main Street, Suite 390
Walnut Creek, California 94596

By: /s/ (per authorization)
Roderick E. Watson, *pro hac vice*
Jerry Snyder, NSB # 6830
Attorneys for Lyon County, Wood Bridgeport, LLC, and
Lacey Livestock

Date: October 23, 2024

STATE OF NEVADA OFFICE OF THE
ATTORNEY GENERAL
100 N. Carson Street
Carson City, Nevada 89701-4717

By: /s/ (per authorization)
Nicole Ting, NSB # 12289
Cassin T. Brown, NSB # 15877
Attorneys for Nevada Department of Wildlife

Date: October 23, 2024

THE COUNTY OF MONO (CA)
P.O. Box 2415A
Mammoth Lakes, California 93546-2415

By: /s/ (per authorization)
Emily Fox, Dep. County Counsel
Attorney for Mono County

1 Date: October 23, 2024

SIMONS HALL JOHNSTON PC
22 State Route 208
Yerington, Nevada 89447

3 By: /s/ (per authorization)
4 Brad M. Johnston, NSB # 8515
5 *Attorney for Desert Pearl Farms,*
6 *Peri Family Ranch, LLC, Peri & Peri LLC, and Frade*
7 *Ranches*

8 Date: October 23, 2024

STATE OF CALIFORNIA OFFICE OF THE
ATTORNEY GENERAL
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550

10 By: /s/ (per authorization)
11 Rob Bonta, Attorney General of California
12 Russell B. Hildreth, Supervising Deputy Attorney
13 General Nhu Q. Nguyen, Deputy Attorney General
14 NSB # 7844
15 *Attorneys for California State Agencies*

ORDER

16 Dated: October 23, 2024.

IT IS SO ORDERED

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18 _____
19 Craig S. Denney
20 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2024, on behalf of Mineral County and the Walker Lake Working Group, I filed the foregoing **STIPULATION AND [PROPOSED] ORDER FOR ADJUSTMENT OF DISCOVERY SCHEDULE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case.

Additionally, I hereby certify that on this 23rd day of October, 2024, I caused to be served, via United States Postal Service First Class Mail, a complete copy of the foregoing **STIPULATION AND [PROPOSED] ORDER FOR ADJUSTMENT OF DISCOVERY SCHEDULE** on the following Defendant who has been granted mailed service by the Court:

Joe and David Sceirine Ranches
P.O. Box 1013
Yerington, NV 89447

/s/ Iris Thornton
Iris Thornton